



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Atsushi Okawa, et al.

Examiner: Stephone B. Allen

Serial No: 09/857,614

Art Unit: 2878

Filed: June 6, 2001

Docket: 14666

For: OPTICAL SCANNING PROBE
SYSTEM

Date: August 27, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
SEP 10 2003
TECHNOLOGY CENTER 2800

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Pursuant to the restriction requirement imposed in the Official Action dated July 29, 2003, Applicants elect the claims of Group I, i.e., Claims 1-55, for continued prosecution herein.

Claims 1-56 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. § 121. Specifically, the Official Action avers that the following inventions are present in the claims:

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 27, 2003.

Dated: August 27, 2003


Thomas Spinelli

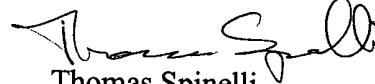
Group I, claims 1-55, drawn to an optical scanning probe system or device; and
Group II, claim 56, drawn to an observation method.

It is the Examiner's position that the inventions listed as Groups I and II are
separate and distinct from each other.

In response to the Examiner's requirement for restriction, Applicants elect to
prosecute the subject matter of Group I, Claims 1-55. However, Applicants reserve the right
under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected
subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at
an early date, is earnestly solicited.

Respectfully submitted,



Thomas Spinelli
Registration No.: 39,533

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

TS:cm